

THIRTY-NINTH DAY.

SENATE CHAMBER,
AUSTIN, February 25, 1875.

Senate met pursuant to adjournment; roll called; quorum present. Prayer by Rev. Dr. Grasty, of Austin.

Senator Allison presented a petition from citizens of Denton county, "Asking for the establishment of a criminal court for Denton county." Read and referred to Judiciary Committee.

Senator Stirman, Chairman Committee on State Affairs, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on State Affairs would respectfully report back to your honorable body, Senate bill No. 551, "An act to repeal an act entitled 'an act to regulate the practice of medicine,'" passed May 16, 1873, and recommend its passage.

W. B. STIRMAN, Chairman.

Senator Ireland, Chairman Judiciary Committee, submitted the following reports:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 634, "An act making it unlawful for persons to walk or stop on railroad tracks," and recommend that it do not pass.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 623, "An act to incorporate the Mount Olivet Cemetery Company," and recommend that it do not pass.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 739, "An act to amend the fifth section of 'an act to organize courts of

justices of the peace, and to define their powers and jurisdiction," and recommend that it do not pass.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 685, "An act to provide for the election of assessors and collectors of taxes," and recommend the passage of the enclosed substitute.

JOHN IRELAND, Chairman.

The title of the substitute referred to, is "An act to provide for the election and qualification of assessors and collectors of taxes."

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary, ask leave to report back to your honorable body, Senate bill No. 683, "An act to confer civil and criminal jurisdiction on the mayors of incorporated towns," and recommend that it do not pass, because, in their opinion, it is unconstitutional.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 708, "An act to legalize the acts of the members of the Masonic Relief Association, of Comanche county," and recommend that it do not pass, because it is unconstitutional.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate joint resolution No. 723, "Authorizing the Attorney General to intervene for the State in certain suits pending in the Federal Court at Austin," and recommend its passage.

JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 731, "An act to legalize the work, as Notary Public, of R. W. Walton, J.

C. Bartlett and J. C. Baird, of Navarro," and recommend its passage.
JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body the "Memorial of the National Board of Trade," and recommend that their prayer be granted.
JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 726, "An act supplemental to 'an act to organize the courts of justices of the peace and county courts, and to define their jurisdiction and duties,'" and recommend its passage.
JOHN IRELAND, Chairman.

Hon. R. B. Hubbard, President of the Senate :

Your Committee on Judiciary ask leave to report back to your honorable body, Senate bill No. 715. "An act to authorize the county court of San Saba county to issue bonds," and recommend its passage.
JOHN IRELAND, Chairman.

Senator Joseph introduced a bill entitled "An act supplemental and amendatory of 'an act to incorporate the Paris, Greenville and Cleburne Railway Company,'" passed May 27, 1873. Read first time and referred to the Committee on Internal Improvements.

Senator Bradley introduced a bill entitled "An act to amend sections 2 and 11 of an act entitled 'an act to incorporate the Beaumont, Corsicana and Fort Worth Railroad Company,'" passed May 29, 1873. Read first time and referred to Committee on Internal Improvements.

Senator Dillard offered the following resolution :

Resolved, That the Committee on Judiciary be and are hereby instructed to inquire if any of the various wharf companies along our Gulf coast have collected more wharfage than is allowed by law ; and that they be further instructed to inquire if any legislation is necessary to protect the commercial and agricultural interest from unjust exactions of this character ; and that they be permitted to

report by bill or otherwise. Read and ordered to lie on the table.

Senator Baker, by leave, submitted the following report:

Hon R. B. Hubbard, President of the Senate:

Your Committee on Finance, to whom was referred the memorial of W. J. Long, late sheriff of Bell county, have duly considered the same, and investigated the facts, and have instructed me to report the accompanying joint resolution, prescribing the time and mode of settlement of the accounts of W. J. Long, former sheriff of Bell county, for the fiscal year, embracing a part of the years 1873 and 1874, and ask that it be passed.

W. R. BAKER, Chairman.

Senator Shepard introduced a bill entitled "An act to incorporate the Brazos Valley Narrow Gauge Railway Company, and to grant lands in aid of the construction thereof." Read first time and referred to Committee on Internal Improvements.

On motion of Senator Hobby, the rules were suspended and Senate bill No. 614, "An act attaching a portion of Trinity county to Polk county," was taken up and read second time, pending amendments by the committee.

The amendments by the committee were adopted, and the bill, as amended, was ordered engrossed.

On motion of Senator Hobby, the rules were suspended, bill read third time and passed.

Senator Ellis gave notice that he would move a re-consideration of the vote, by which the Senate on yesterday passed Senate bill No. 684, "An act to prescribe compensation of Financial Agent of the State."

A message from the House announced the passage of the following House bills, to-wit: House bill No. 810, "An act concerning litigation with the railroad company, which is now known as the 'New Orleans, Mobile and Texas Railroad Company,' which was chartered originally as the 'Sabine and Galveston Bay Railroad and Lumber Company,' and afterwards changed to the 'Texas and New Orleans Railroad Company,' and afterwards to the 'New Orleans, Mobile and Texas Railroad Company,' for the purpose of forfeiting the charter and franchise of said company for non-usure and mis-usure of its said charter and franchise, and to collect from said company the amount due the State for loans to aid in the construction of the same."

House bill No. 774, "An act amendatory of and supplemental to an act entitled 'an act prescribing the times of holding the district courts of the Thirty-fourth Judicial District;'" approved April 24th, 1874; and House bill No. 811, "An act providing for the erection of a monument to the memory of Sam Houston."

Also, the passage of the following Senate bills: Senate bill No. 734, "An act to authorize the corporation of the town of Henderson, in Rusk county, to aid in the construction of the Henderson and Overton Railroad."

Senate bill No. 545, "An act authorizing the Commissioner of the General Land Office to employ additional help for the business of said office."

Senate bill No. 506, with House amendments, "An act supplemental and amendatory of the several acts authorizing the sale and disposition of the University lands in the State of Texas."

Senate bill No. 628, "An act to authorize the county court of DeWitt county to have a bridge built across the Sandies' Creek in said county."

Senate bill No. 651, with amendments of the House, "An act to amend 'an act to incorporate the Dallas and Wichita Railroad Company, and to aid in the construction of said road,'" and approved May 24th, 1873.

Senate bill No. 508, "An act for the relief of such counties and incorporated cities or towns as have voted donations in aid of the construction of railroads, or other works of internal improvements;" and Senate joint resolution No. 611, "Concerning the vacant lands in Fisher and Miller's colony."

On motion of Senator Westfall, the rules were suspended, and Senate bill No. 715, "An act to authorize the county court of San Saba county to issue bonds," was taken up, read second time and ordered engrossed.

On motion of Senator Westfall, the rules were suspended, bill read third time and passed.

Senator Dwyer, for Committee on Enrolled Bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Enrolled Bills ask leave to report that they have carefully examined and find correctly enrolled, Senate bill 481, "An act supplementary to and amendatory of an act entitled an act to amend sections

seven, ten and twenty of an act entitled 'an act to incorporate the Tyler Tap Railroad Company,' passed May 7, 1873, and have this 28th day of February, 1875, presented the same to the Governor for his approval, at 9:30 o'clock A. M. Jos. E. DWYER, for Committee.

On motion of Senator Joseph, the rules were suspended and House bill No. 231, "An act to incorporate the Galveston Cotton Exchange," was taken up, read second time and passed to third reading.

On motion of Senator Joseph, the rules were suspended, bill read third time and passed by the following vote :

YEAS—Senators Ball, Baker, Bradley, Burton, Camp, Culberson, Craven, Dillard, Davenport, Ellis, Erath, Flanagan, Friend, Hobby, Ireland, Joseph, Ledbetter, Morris, Parker, Russell, Shepard, Stirman, Swift and Westfall—25.

NAYS—Senators Allison and Bradshaw—2.

Senator Wood introduced a bill entitled "An act to extend the time for the construction of works of internal improvement." Read first time and referred to Committee on Internal Improvements.

Senator Wood introduced a bill entitled "An act to amend the second section of an act entitled an act amendatory and supplemental to an act entitled 'an act to incorporate the Texas Timber and Prairie Rail Road Company,' approved August 15, 1870; passed May 24, 1873, and became a law without the approval of the Governor. Read first time and referred to Committee on Internal Improvements.

On motion of Senator Shepard, the rules were suspended and House bill No. 811, "An act providing for the erection of a monument to the memory of Sam Houston," was taken up and read first time.

Senator Dillard moved that the bill be referred to Finance Committee.

Senator Russell moved that the bill be referred to a select committee of six. Lost.

The question then recurring on the motion offered by Senator Dillard, it was adopted by the following vote :

YEAS—Senators Allison, Baker, Bradshaw, Bradley, Camp, Dillard, Davenport, Erath, Friend, Hobby, Morris, Parker, Stirman, Swift and Wood—15.

NAYS—Senators Ball, Burton, Culberson, Craven, Dwyer,

Ellis, Flanagan, Ireland, Joseph, Ledbetter, Russell, Shepard and Westfall—13.

The following message was received from His Excellency the Governor:

EXECUTIVE OFFICE, STATE OF TEXAS,
AUSTIN, February 25, 1875.

Hon. R. B. Hubbard, President of the Senate:

SIR:—I herewith return, without my approval, Senate bill No. 603, and respectfully ask its re-consideration.

This bill authorizes the corporate authorities of cities to levy and collect a tax of one-fourth of one per cent. for sanitary purposes. The general State law authorizes towns and cities to collect one-half of one per cent. to defray all the expenses of administering the municipal governments. Special provisions in the charters of some of them authorizes the collection of a considerably larger per cent. The cost of proper sanitary measures may be, and has heretofore been, defrayed out of the general tax, and is a proper charge upon it. I cannot see the necessity for enlarging the taxing powers of these municipal bodies. There is an universal complaint throughout the State of these special taxes, and I have recommended that the power to levy them be abridged, since it seems that municipal corporations hardly ever fail to go to the maximum of their power in imposing them.

A proper regard for the interests of the State, in my judgment, requires that the power to tax and to create debt should be delegated with the greatest caution, and only upon the most obvious necessity. This bill would give power to increase the burden of taxation upon four-fifths of the incorporated towns in Texas, one-half, which I believe it inexpedient to do.

Very respectfully, RICHARD COKE.

On motion of Senator Ireland, the message and original bill was referred to Committee on State Affairs.

On motion of Senator Ledbetter, the rules were suspended, and Senate bill No. 720, "An act to regulate the keeping and bearing deadly weapons, in the cities and towns of this State," was taken up.

Senator Dillard moved to adjourn until 10 o'clock A. M., to-morrow.

Senator Ellis moved to adjourn until Saturday at 10 o'clock A. M. Lost.

Senator Ireland moved to adjourn until Monday at 10 o'clock A. M. Lost.

Senator Ireland moved a call of the Senate. Call sustained.

Absent—Senators Allison, Culberson, Dwyer, Erath, Joseph, Morris, Moore, Randle, Stirman and Westfall—10.

The Sergeant-at-arms was dispatched for absent Senators.

The Senators having returned, the call was suspended.

Senator Ireland then renewed his motion to adjourn until Monday. Lost.

The motion of Senator Dillard was then adopted, and the Senate adjourned until 10 o'clock A. M., to-morrow.

FORTIETH DAY.

SENATE CHAMBER,
AUSTIN, February 26, 1875.

Senate met pursuant to adjournment. Roll called; quorum present. Prayer by Rev. Dr. Philips, of Austin.

On motion of Senator Ireland, the reading of the journal of yesterday was dispensed with.

On motion of Senator Ledbetter, the Sergeant-at-arms was excused for the day, to attend the session of the district court of Travis county.

Senator Joseph, for Committee on Engrossed bills, submitted the following report:

Hon. R. B. Hubbard, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 614, "An act attaching a portion of Trinity county to Polk county." Senate bill No. 701, "An act to incorporate the Travis Rifles, of the city of Austin." Senate bill No. 492, "An act to regulate public roads in the State of Texas." Senate bill No. 733, "An act supplemental to and amendatory of 'an act to establish a Criminal Court in the cities of Waco and Marlin.'" Senate bill No. 690, "An act to repeal article 41 of 'an act to establish a Code of Criminal Procedure for the State of Texas, approved August 26th, 1856.'" Senate bill No. 601, "An act to amend section 357 of 'an act prescribing the mode of proceeding in district courts in matters of probate, approved August 15th, 1870.'" Senate bill No.